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Bail OK'd for alleged in-law of al-Qaida official

BY GILLIAN FLACCUS, THE ASSOCIATED PRESS
TUESDAY, FEBRUARY 24, 2009 AT 3:39 P.M.

SANTA ANA, Calif. — A federal magistrate set bail Tuesday for the brother-in-law of Osama bin Laden's bodyguard, and a Muslim advocacy group demanded a federal investigation into whether he was arrested because he had refused to become an FBI informant.

Bail for Ahmadullah Niazi, 34, was set at \$500,000 by U.S. Magistrate Arthur Nakazato after a lengthy hearing in U.S. District Court.

Niazi was arrested Friday on charges that he lied about his ties to terrorist groups on his citizenship and passport documents. He has not yet entered a plea and will be arraigned next week.

Nakazato ruled that Niazi, an Afghan native who gained his U.S. citizenship in 2004, could be freed if he submits to electronic monitoring and home detention. He also must surrender of his passport and cannot leave Southern California.

Niazi is not charged with terrorism, but Assistant U.S. Attorney Deirdre Eliot told Nakazato that searches of his home and computers yielded evidence that he sympathizes with terrorist groups and has ties to men who are globally designated as terrorists.

Niazi's sister, Hafiza, is married to Amin al-Haq, identified in court papers as a high-ranking al-Qaida member who was believed to have been bin Laden's bodyguard around Sept. 11, 2001.

Amin al-Haq also is suspected of working with Younis Khalis, who founded the terrorist organization Hezb-e-Islami, which fights against international and U.S. troops in Afghanistan. Khalis assisted in founding al-Qaida and helped bin Laden leave Sudan in 1996, Eliot said.

"In our eyes, this isn't just an immigration case. In our view, the defendant is involved with the mujahadeen himself," Eliot said. "Frankly, there is no amount of bail or equity in a home that can protect the citizens of this community."

Muslim-American advocates countered that Niazi was charged because he refused to become a government informant after telling the FBI in 2007 about a radicalized new Muslim convert.

The Council on American-Islamic Relations released a letter to U.S. Attorney General Eric Holder asking him to investigate the allegations.

FBI Special Agent Thomas J. Ropel III, who is in charge of the case, testified at Tuesday's hearing that the convert reported by Niazi was actually an FBI informant who had infiltrated several mosques in Orange County.

Niazi was in charge of the convert's spiritual education and taught him Arabic, Ropel said.

Defense attorney Chase Scolnick said the FBI should have been grateful for Niazi's cooperation.

"The federal government should be encouraging and rewarding people who do this," Scolnick

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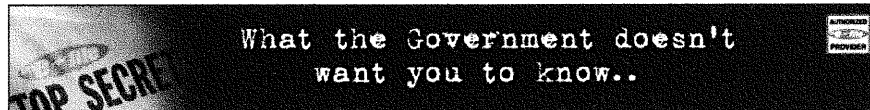
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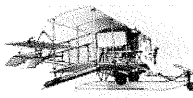
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Bail set at \$500,000 for man accused of terrorist ties

February 24, 2009 | BY SALVADOR HERNANDEZ

SANTA ANA — Bail for a 34-year-old Tustin man accused of failing to disclose ties to terrorist organizations while applying for citizenship - including a brother-in-law suspected of being the security coordinator for Osama bin Laden - was set at \$500,000 in federal court today.

Federal prosecutors this morning argued that Ahmadullah Sais Niazi, who faces several immigration-related charges such as lying to obtain citizenship and to obtain a U.S. passport, is a flight risk and a threat to the community, citing suspicions that the Afghanistan native holds views akin to terrorist organizations and has lied about possible connections to terrorist organizations in the past. Meanwhile, Niazi's lawyer and family argued that the Tustin man is being targeted by agents from the FBI after refusing to become an informant for the agency.

U.S. Magistrate Arthur Nakazato said he held several concerns about granting bail during the hearing and set several conditions for bail, including a requirement that at least two relatives be financially responsible for Niazi's bail, electronic monitoring and house arrest.

"If there's something I see or hear you are connected with terrorist activity or sympathize with terrorists, that will be it," Nakazato said.

Niazi doesn't face any terrorism-related charges in the case, but during the hearing, Assistant U.S. Attorney Deirdre Eliot stressed Niazi's suspected ties with extremist organizations, including al-Qaida, Hezb-e-Islami Gulbuddin and the Taliban. Special Agent Thomas J. Ropel of the FBI testified during that Niazi had been recorded in several conversations where he allegedly expressed views sympathetic to terrorist organizations, including conversations where he referred to funding Afghan mujahedeen, blowing up vacant buildings and referred to Osama bin Laden as "an angel."

Niazi's attorney, deputy federal public defender Chase Scolnik, argued it was Niazi who first approached the FBI in June 2007, saying he had information about a Muslim convert from the Islamic Center in Irvine who had mentioned jihad, weapons and blowing up buildings.

"It was Mr. Niazi who approached the government and spoke out against extremist members of his mosque," Scolnik said.

Ropel said the man Niazi was concerned about was in fact an informant with the FBI who had made contact with several mosques in Orange County, and that he believed Niazi had come forward as a preventive measure to appear as a good citizen.

Under surveillance since 2006, Niazi was taken into custody Friday by federal agents at the 13000 block of Charloma Drive in Tustin, after a federal indictment was unsealed charging that lied in his application for citizenship, a U.S. passport, and lying about a 2005 trip to Pakistan where he met with Dr. Amin al-Haq, who has been identified as a global terrorist and is married to Niazi's sister.

According to the indictment, al-Haq is believed to be bin Laden's security coordinator.

According to search warrant affidavits, investigators seized several documents that showed that Niazi and his wife used an unlicensed money-transfer system to make several transfers totaling \$16,400 to Peshawar, Pakistan, and Kabul, Afghanistan, between 1999 and 2006. Authorities also investigated transactions between Niazi's account and other accounts under the names of his wife and in-laws.

In court, Niazi sat quietly as his attorney, Scolnik, argued for the judge to set bail.

"I ask that we step back and take a deep breath," Scolnik said. "This is not a terrorism case."

Outside the courtroom, Niazi's wife, Jamilah Amin, said her husband is a good man. Leaders of Muslim organizations said the case illustrated a continued practice of abuse and strong-arm tactics by the FBI to recruit informants and punish those who refuse.

"He could not be any harm to any human being on this earth," Amin said during a news conference outside of the federal court. "He's working hard for us here. There's nothing you will find he was a bad person and you can ask anyone."

Speaking alongside Amin, Hussam Ayloush, executive director of the Council on American Islamic Relations, said the organization would call on U.S. Attorney General Eric Holder to investigate Niazi's arrest.

"We continue to see ourselves in the Muslim community guilty until proven innocent," Ayloush said.

Shakeel Syed, executive director of the Islamic Shura Council of Southern California, said he was concerned about what appeared to be attempts by the FBI to lure informants and seek incriminating information in local mosques.

During the hearing, Eliot entered as exhibits a picture of Niazi atop of a military vehicle from 1992 in Afghanistan, a letter from his brother-in-law with the letterhead of Hezb-e-Islami Gulbuddin, a suspected terrorist organization. Eliot said that in an e-mail sent in April 2008, Niazi referred to the United States as an "adulteress," referred to the rise of the Taliban and wrote, "the end is near."

Scolnik argued that the evidence presented did not prove that Niazi is a terrorist or a danger. He said Niazi sent money to Afghanistan to care for his brother's children after he died in a car crash. The letter Niazi received from his brother on the letterhead of a suspected terrorist organization was not evidence of ties to a terrorist organization but "evidence that he keeps in touch with his family."

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KEN STEINHART, THE ORANGE COUNTY REGISTER

After Nakazato set bail at \$500,000, Amin said she was still unsure if she and her family would be able to come up with the money.

Niazi is scheduled to be arraigned March 2. He faces charges of perjury, naturalization fraud, misuse of a passport obtained by fraud and making statements to a federal agency.

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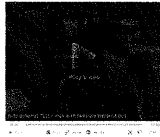
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